

The **Board of Examiners for Nursing** held a meeting on December 4, 2013 at the Legislative Office Building, Room 1-A, 300 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia C. Bouffard, RN, Chair
Mary M. Brown, RN
Lisa S. Freeman, Public Member
Ellen M. Komar, RN
Jennifer Long, APRN
Geraldine Marrocco, RN *via telephone 8:35 AM – 8:45 AM only*
Gina M. Reiners, RN – *left 11:15 AM*
Carrie Simon, Public Member

BOARD MEMBERS ABSENT: Geraldine Marrocco, RN – *after 8:45 AM*

ALSO PRESENT: Joanne V. Yandow, Counsel to the Board, DPH
Kathleen Boulware, Public Health Services Manager, DPH
Pamela Pelletier-Stevens, Nurse Consultant, DPH
Leslie Scoville, Staff Attorney, Licensure Regulation and Compliance, DPH
Ellen M. Shanley, Staff Attorney, Licensure Regulation and Compliance, DPH
Diane Wilan, Staff Attorney, Licensure Regulation and Compliance, DPH
Janice E. Wojick, Administrative Assistant, DPH
Gail Gregoriades, Court Reporter

Chair Patricia Bouffard called the meeting to order at 8:35 AM.

STUDENTS

Chair Bouffard welcomed students from Porter and Chester Institute Branford Campus.

Chair Bouffard provided the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs.

CHAIR UPDATES

Chair Bouffard had nothing new to report.

OPEN FORUM

There were no comments or concerns from the audience.

ADDITIONAL AGENDA ITEMS AND REORDERING OF AGENDA – DPHs REQUEST FOR APRN CONSULTANTS

Kathleen Boulware, DPH, was present to request the Board's assistance in obtaining APRN consultants. The Department of Public Health Practitioner Investigation Unit is charged with investigating complaints against practitioners regarding standards of care and other alleged violations of state statutes or regulations. In order for the Department to determine if a standard of care is met or not met our process is to have an "expert" review the file. Over the past several years we have seen an increase in the number of cases regarding care provided by APRNs. We have gone from an average of two to three cases a year in 2000/2001 to an average of twenty-four cases a year. As APRNs focus more on being primary care providers and advancing into specialty areas, we have a need for APRNs to review cases for the Department. Unfortunately, as with our other specialties, we have no funding to provide compensation for a review. They will, however, receive a nice certificate signed by the Commissioner.

The current requirement for consultants is that they have to have been in practice for at least five years in the area of specialty that they will be reviewing. They need to have a license in good standing with no prior disciplinary action, they have to be demographically removed from the area in which the respondent practices, and there needs to be no conflict of interest. Potential conflicts of interest will be discussed with the individual APRN as she/he volunteers. The time commitment for each review differs based on the extent of the investigation and the scope and severity of the alleged issues.

The Department is requesting that the Board Members share the Department's need with their colleagues and impress upon them the importance of providing their services to the Department. In reviewing cases they have an opportunity to raise the quality of care for their profession and are instrumental in ensuring that a practitioner who may not be practicing within the standard of care receives the necessary additional training and monitoring to ensure that their practice going forward, does meet the standard of care.

Anyone interested in providing consultation to the Department may contact Lavita Sookram at 860-509-7552 or by email at lavita.sookram@ct.gov.

LEGISLATIVE UPDATE

Nothing new to report.

SCHOOL ISSUES – NCLEX REVIEWS/WAIVER REQUESTS

CT TECHNICAL HIGH SCHOOL SYSTEM – A. I. PRINCE, ELI WHITNEY, VINAL, AND KAYNOR PROGRAMS

Patricia Fennessy, Education Consultant, Deborah Detrick, Department Head at A. I. Prince, Anne Simko, Department Head at Eli Whitney, Regina Beccia Wrenn, Department Head at Vinal Tech, and Pamela Cramer, Department Head at Kaynor Tech, were all present to provide the Board with their six-month update regarding their Conditional Status and to answer any questions the Board may have. The programs were basically following the same plan of correction. The current class graduates mid January 2014.

LINCOLN TECHNICAL INSTITUTE – HAMDEN EVENING PROGRAM

Patricia Delucia, Regional Director of Nursing, for Lincoln Technical Institute LPN Programs, was present with Louise Simonetti and Elizabeth Cheneski to provide the Board with their six-month update regarding their Conditional Status and to answer any questions the Board may have.

LINCOLN TECHNICAL INSTITUTE – WAIVER REQUEST

Patricia Delucia, Regional Director of Nursing, for Lincoln Technical Institute LPN Programs, presented the Board with a request for a one-year temporary waiver for Denise Erickson who was also present. Ms. Erickson is currently pursuing an MSN Degree with an anticipated date of completion in the summer of 2014. Lisa Freeman moved to approve this one-year temporary waiver for Ms. Erickson. The motion was seconded by Gina Reiners and passed unanimously.

STONE ACADEMY – EAST HARTFORD CAMPUS

Stone Academy's NCLEX first time pass rate for this six-month period was 74%. Dale DeMille, Program Manager for the Stone Academy LPN Programs, was present with Eleanor Davio and Ceil Mann to review their pass rates and to provide an update to the Board. Pamela Pelletier-Stevens reviewed the individual names of the first time test takers. Ms. DeMille notified Deb Brown that two students on the report belong to their West Haven Campus. With removing these two students from the East Hartford totals, their score is 79% which still remains below the 80th percentile.

UCONN – GROTON CAMPUS: NCLEX REVIEW/SIX-MONTH UPDATE

Paula McCauley, Associate Dean, was present from the program to address the six-month update and also provided a faculty update. The program has not graduated a class since the last six-month review.

ST. VINCENT'S COLLEGE – NCLEX REVIEW/SIX-MONTH UPDATE

The St. Vincent's evening program has been on condition status since June of 2013. Their six-month pass rate is 64%. There was one additional student who took the exam out of state and passed, although this does not change the percentage enough to bring in to the 80% pass rate. Dr. Karen Barnett, Dean of the Nursing Program, and Margo McCarthy, Chair of the ADN Nursing Program, were present to address the six-month update regarding the program's first time test takers.

ST. VINCENT'S COLLEGE – CHANGE IN NURSE ADMINISTRATOR

The Board Office received a letter dated November 20, 2013 as official notification that Dr. Karen Barnett has been hired to fill the role of Dean of Nursing/Chair of BSN Program effective August 26, 2013. The Board requested that notification of any future changes in the Chair and/or Dean of St. Vincent's Nursing Program be done in a more-timely manner. Gina Reiners moved to approve Dr. Barnett as the Dean of Nursing as she meets the criteria in the Nursing Program Regulations. The motion was seconded by Carrie Simon and passed unanimously.

UNIVERSITY OF SAINT JOSEPH

Dr. Patricia Padula Morgan, Chair of the Nursing Program at USJ, et. al., were present to answer any questions the Board may have regarding their NCLEX score of 78% of first time test takers. They have started a profile on 12 students who failed on their first attempt. Their plan of action was provided which includes reviewing the admission criteria, mapping curriculum to find the gaps in the content area, and are looking into getting the Kaplan Review Courses and student participation.

CENTRAL CT STATE UNIVERSITY

Dr. Margaret Levvis was present to answer any questions the Board may have regarding their NCLEX score of 71% of first time test takers. The NCLEX Score for first time test takes in 71%. Dr. Levvis reviewed the program's remediation plan which is in effect.

QUINNIPIAC UNIVERSITY – PERMANENT WAIVER REQUEST – AMY N. CATLIN

Dr. Lisa O'Connor, Director of the undergraduate Nursing Program, was present to request a permanent waiver for Amy N. Catlin, BSN, MPH. The Board reviewed the documentation presented. Jennifer Long moved, seconded by Ellen Komar, to grant the permanent waiver request for Amy N. Catlin. The motion passed unanimously.

The Board would like to remind the program that permanent waivers are not portable from one institution to another institution. Permanent Waivers are granted for a specific program. If you leave the institution, the permanent waiver has expired.

QUINNIPIAC UNIVERSITY – PERMANENT WAIVER REQUEST – MELISSA (ALLEGRA) REVICKI

Dr. O'Connor is also requesting a one-year temporary faculty education waiver for Melissa Revicki. The Board reviewed the documentation presented. Mary Brown moved to grant the one-year temporary waiver. The motion was seconded by Ellen Komar and passed unanimously.

FAIRFIELD UNIVERSITY – TEMPORARY WAIVER REQUEST – NANCY E. ANDREWS

The program is requesting a one-year temporary faculty education waiver for Nancy Andrews. Dr. Theresa Quell, Assistant Dean for Academic Programs, and Dr. Meredith ???, Associate Dean, were present from the program. Mary Brown moved, to grant the one-year temporary faculty education waiver. The motion was seconded by Gina Reiners and passed unanimously. The Board requested that Dr. Quell provide Pamela Pelletier-Stevens with the additional transcript for the Board files.

SCOPE OF PRACTICE

Pamela Pelletier-Stevens reviewed the October Scope of Practice calls with the Board.

Elizabeth Beaudin, Director of Nursing and Workforce Initiatives at the CT Hospital Association, updated the Board on higher reliability science into the hospitals, which is team work and patient safety in a very scientific way. Teamwork is important and it is all about communication.

NATIONAL COUNCIL OF STATE BOARDS OF NURSING

NCLEX is going PAPERLESS starting in January 2014. The NCLEX Candidate Bulletin will no longer be distributed in a hard copy format. Boards of Nursing and Education Programs will access the Candidate Bulletin via the NCSBN website. The candidate Bulletin will be posted in December 2013 and will reflect all changes regarding the paperless initiative.

Beginning January 1, 2014, all candidates and third parties will be required to register and pay for exam registrations through the Pearson VUE website or over the phone (866-496-2539) with a credit card, debit card, or prepaid card. Visit NCLEX.com for more detailed information.

APPROVAL OF MINUTES

JULY 17, 2013

The Board reviewed the minutes. Ellen Komar moved that the minutes be accepted as written. The motion was seconded by Mary Brown and passed with all in favor with two abstentions: Jennifer Long and Lisa Freeman.

AUGUST 21, 2013

The Board reviewed the minutes. Jennifer Long moved that the minutes be accepted as written. The motion was seconded by Carrie Simon and passed with all in favor with two abstentions: Mary Brown and Gina Reiners.

Break 10:22 AM – 10:35 AM

CONSENT ORDER – KAREN CASEY, RN

Staff Attorney Diane Wilan presented the Board with a Consent Order for Karen Casey. Ms. Casey was present with counsel, Attorney Richard Brown. Jennifer Long moved that the Board accept the Consent Order as written. The motion was seconded by Gina Reiners and passed unanimously. Chair Bouffard signed the Consent Order.

CONSENT ORDER – JAMES MURPHY, RN, APRN

Staff Attorney Linda Fazzina presented the Board with a Consent Order for James Murphy. Mr. Murphy was not present as he is currently incarcerated and did not have representation at this meeting. Jennifer Long moved and Marge Brown seconded to accept the Consent Order as written for discussion. The motion was rejected as Chair Bouffard, Mary Brown, Carrie Simon, and Lisa Freeman were opposed, Jennifer Long and Ellen Komar were in favor, and Gina Reiners

abstained. Mr. Murphy's license remains suspended under an Interim Consent Order signed by Mr. Murphy on January 11, 2013.

HEARING – JACQUELINE SILVA, LPN

DPH Staff Attorney Ellen M. Shanley was present for the Department. Ms. Silva was not present and did not have representation at the hearing. Attorney Shanley advised the Board that Ms. Silva has been incarcerated at York Correctional in Niantic since September, 2013. Notice of Hearing, Summary Suspension Order, and the Statement of Charges were served in-hand to Ms. Silva via State Marshal. Ms. Silva has made no attempt to contact the Board Office or the Department to provide a response to the Statement of Charges, and, as mentioned above, does not have representation at this hearing. The Board ordered that the Department contact Ms. Silva and/or her prison counselor or someone who has direct contact with Ms. Silva to ascertain her intentions on answering these charges. Jennifer Long moved, which was seconded by Lisa Freeman, to close the hearing record for December 4, 2013 and to reopen the record at their January 15, 2014 meeting to allow Ms. Silva time to respond to the charges. The motion passed unanimously.

Gina Reiners left the day at 11:15 AM.

HEARING – NICOLE SANTO, LPN

Staff Attorney Ellen M. Shanley was present representing the Department. Ms. Santo was present at this hearing pro se. The Department had no witnesses. Attorney Shanley had filed a Motion to Deem Allegations Admitted. Mary Brown moved, seconded by Jennifer Long, to deny the Department's Motion to Deem as Ms. Santo was present. Testimony was provided by Ms. Santo.

Ellen Komar moved and Mary Brown seconded that Ms. Santo be found on all charges with the exception of #5 – controlled substances which the Board cannot find on. The motion passed unanimously.

Ellen Komar moved stating that Ms. Santo's license be placed on probation for four years which would become effective upon the signature of the Memorandum of Decision by the Board. The Department is to be provided with monthly employer and therapist reports for the first and fourth years of probation, and quarterly for the second year and third years; there are to be observed drug/alcohol screens weekly for the first and fourth years of probation and bimonthly for the second and third years; she is not to have access to the narcotic keys nor be allowed to administer controlled substances for one year upon her return to work as a nurse; and she shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-employed as a nurse during the period of this probation. The motion was seconded by Mary Brown and passed unanimously.

REINSTATEMENT HEARING – MEGAN REILLY, LPN

Staff Attorney Leslie Scoville was present representing the Department. Ms. Reilly was present with counsel, Attorney Richard Brown. Testimony was provided by Ms. Reilly.

Lisa Freeman moved that Ms. Reilly's license be reinstated to probation for three years with the following restrictions: monthly employer and therapist reports for the first and third years of probation, and quarterly for the second year; observed drug/alcohol screens weekly for the first and third years of probation and biweekly for the second year; a Board/Department approved LPN Refresher Course; she is not to have access to the narcotic keys nor be allowed to administer controlled substances for one year upon her return to work as a nurse; and she shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-

employed as a nurse during the period of this probation. The motion was seconded by Carrie Simon and passed unanimously.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 12:55 PM.

Patricia C. Bouffard, Chair
Board of Examiners for Nursing

The **Board of Examiners for Nursing** held a meeting on December 18, 2013 at the Legislative Office Building, Room 1-A, 300 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia C. Bouffard, RN, Chair
Mary M. Brown, RN
Lisa S. Freeman, Public Member
Jennifer Long, APRN
Gina M. Reiners, RN – *left 11:00 AM*
Carrie Simon, Public Member

BOARD MEMBERS ABSENT: Ellen M. Komar, RN
Geraldine Marrocco, RN

ALSO PRESENT: Stacy M. Schulman, Counsel to the Board, DPH
Pamela Pelletier-Stevens, Nurse Consultant, DPH
Linda Fazzina, Staff Attorney, Licensure Regulation and Compliance, DPH
David Tilles, Staff Attorney, Licensure Regulation and Compliance, DPH
Diane Wilan, Staff Attorney, Licensure Regulation and Compliance, DPH
Janice E. Wojick, Administrative Assistant, DPH
Gail Gregoriades, Court Reporter

Chair Patricia Bouffard called the meeting to order at 8:40 AM.

STUDENTS

Chair Bouffard welcomed students from Stone Academy, and W. F. Kaynor Technical School.

Chair Bouffard provided the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs.

SCHOOL ISSUES

CENTRAL CT STATE UNIVERSITY – WAIVER REQUEST

Dr. Margaret Levvis and Dr. Shelly Bochain, course leader for NUR 350, presented the Board with a request for a faculty education waiver for Robin Cournoyer, who was also present. Ms. Cournoyer has matriculated into the Master's Program at the UConn School of Nursing with an anticipated graduation date of December, 2014. Mary Brown moved, which was seconded by Gina Reiners, to grant the program a one-year temporary waiver for Ms. Cournoyer, which will expire in December 2014. The motion passed unanimously.

MOTION FOR SUMMARY SUSPENSION – JEMMA WETTISH, RN

Staff Attorney Diane Wilan presented the Board with a Motion for Summary Suspension for Jemma Wettish. Ms. Wettish was present pro se. Mary Brown moved to grant the Department's Motion for Summary Suspension. The motion was seconded by Gina Reiners, and passed unanimously. Chair Bouffard signed the Summary Order and the Notice of Hearing scheduling the hearing for January 15, 2014. Ms. Wettish was then hand served the Summary Suspension Order, Notice of Hearing, and Statement of Charges by Janice E. Wojick.

UNIVERSITY OF SAINT JOSEPH – WAIVER REQUEST

Dr. Patricia Padula Morgan presented the Board with a request for a two-year faculty education waiver for Tara Ferrauolo. Ms. Ferrauolo has matriculated in the Master's Program at Sacred Heart University with an anticipated graduation in the fall of 2015. Mary Brown moved, which was seconded by Gina Reiners, to grant the program a one-year temporary waiver which will expire in December 2014. At that time the program can resubmit a request for the remaining year needed for Ms. Ferrauolo to complete her MSN program. The motion passed unanimously.

CONSENT ORDER – ROBBIN CAPP, RN

Staff Attorney David Tilles presented the Board with a Consent Order for Robbin Cappa. Ms. Cappa was present with counsel, Attorney Jeremy Weingast. Gina Reiners moved to accept the Consent Order as presented for Ms. Cappa. The motion was seconded by Jennifer Long and passed unanimously. Chair Bouffard signed the Consent Order.

MEMORANDUM OF DECISION – JUDITH FOLLERT, RN

The Board reviewed the Memorandum of Decision regarding Judith Follert whose license was revoked in 2007. Ms. Follert had requested a Reinstatement Hearing before the Board which was granted. At the conclusion of the hearing, it was the decision of the majority of the quorum, to deny Ms. Follert's reinstatement request. Lisa Freeman moved to affirm the Board's prior decision to deny reinstatement of Ms. Follert's Registered Nurse license. The motion was seconded by Carrie Simon and passed unanimously.

MINUTES

SEPTEMBER 4, 2013

The Board reviewed the minutes presented. Mary Brown moved to accept the minutes as edited. The motion was seconded by Carrie Simon and passed with one abstention, Jennifer Long.

SEPTEMBER 18, 2013

The Board reviewed the minutes presented. Carrie Simon moved to accept the minutes as written. The motion was seconded by Jennifer Long and passed unanimously.

HEARING – KRISTEN WEBBER, RN

Staff Attorney Linda Fazzina was present for the Department of Public Health. Ms. Webber was present with counsel, Attorney Karen Daley. The Department did not present any witnesses. Testimony was provided by Ms. Webber. Attorney Fazzina made an Oral Motion to Amend the Statement of Charges, Second Count, Paragraph 8, by deleting the word "public." Mary Brown moved, seconded by Gina Reiners, to grant the Motion to Amend the Statement of Charges. The motion passed unanimously.

Mary Brown moved to find Ms. Webber as charged. The motion was seconded by Jennifer Long and passed unanimously.

Mary Brown moved to lift the Summary Suspension immediately. The April 17, 2013 Memorandum of Decision is to remain in place until the new Memorandum of Decision has been signed by the Board. Upon signature, the new probationary terms will begin including the key restriction. The motion was seconded by Jennifer Long and passed unanimously.

Mary Brown moved to place Ms. Webber's license on probation for four years with the usual drug/alcohol screen reports, employer reports, and therapist reports. Ms. Webber is not to have access to the narcotic keys nor be allowed to administer controlled substances during her first year of returning to work as a nurse. Ms. Webber is also to provide quarterly reports from her pain management practitioner for the entire four year probationary period. The motion was seconded by Jennifer Long and passed unanimously.

Break 10:45 AM – 11:00 AM

HEARING – SAMANTHA COLBERT, LPN

Staff Attorney Linda Fazzina was present representing the Department of Public Health. Ms. Colbert was not present and did not have representation at this hearing.

Ms. Colbert's hearing was held on November 20, 2013. Ms. Colbert had never provided the Board with a response to the Statement of Charges, which was ordered in the Summary Suspension Order dated November 6, 2013. Attorney Fazzina's Oral Motion to Deem Allegations Admitted was granted at the November 20, 2013 hearing.

The Board Office received no communication from Ms. Colbert until after close of business on the evening of November 21, 2013. The Board Office received an e-mail explaining that Ms. Colbert was unable to attend the hearing due to a family emergency. Ms. Colbert filed a Motion to Reopen Hearing which was granted, which brings us to today's hearing. Once again, Ms. Colbert was not in attendance for the hearing. Janice E. Wojick called the Board Office to see if there had been any communication from Ms. Colbert and there was not. Ms. Colbert was notified via certified mail, with a return receipt requested which she had never picked up at the post office. Ms. Colbert was also notified by first class mail and e-mail.

The Board reaffirmed the Department's November 20, 2013 Motion to Deem Allegations Admitted. Lisa Freeman moved to reaffirm the Department Motion to Deem Allegations Admitted. The motion was seconded by Jennifer Long and passed unanimously.

Jennifer Long reaffirmed the Fact Finding of November 20, 2013 to find Ms. Colbert as charged. The motion was seconded by Carrie Simon and passed unanimously.

Jennifer Long then moved to reaffirm the original remedy of revocation. The motion was seconded by Lisa Freeman and passed unanimously.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 11:08.

Patricia C. Bouffard, Chair
Board of Examiners for Nursing